

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 200 of 1997

GOVERDHAN CO OPERATIVE HOUSING SOCIETY (PROPOSED)

Versus

COMPETENT AUTHORITY AND DEPUTY COLLECTOR (ULC)

Appearance:

MR JR NANAVATI for Petitioner

MR MUKESH PATEL AGP for Respondent No. 1

MR SURESH M SHAH for Respondent No. 3

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. It merely requires to be noted on the basis of

the record of the present petition, that the petitioner-Society appears to be in possession of the land in question in view of the specific averments made in the petition and not controverted by any affidavit-in-reply by the respondents. This position is also reflected in the order passed by this Court in C.A. 9260/97 dated 17th June, 1998. It is also to be noted that these are mere observations on the basis of the record of the present petition and are not to be regarded as findings of fact on any factual controversy between the parties.

(Y.B. BHATT, J.)

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